

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Northeastern Lumber
Manufacturers Association

v.

Civil No. 09-cv-290-JM

Northern States Pallet
Company, Inc., and
James H. Jackson

O R D E R

Plaintiff moves for expedited discovery. The motion is granted in part as set forth below and is otherwise denied.

1. Plaintiff may depose Defendant Jackson at a mutually convenient time, but no later than ten (10) days from today.

2. Defendants are ordered to do each of the following:

- (a) Preserve all evidence in any way related to the "mismarking" and "mismarked" pallets on which plaintiff's trademark stamp was affixed;
- (b) Identify to plaintiff all sales of wood product materials purported to be heat-treated consistent with IPPC ISPM 15, including the name; address; telephone number; date; quantity; and price;
- (c) Identify to Plaintiff all potential purchasers (or custodians) of wood packaging materials that may have purchased materials bearing a Certifying Stamp that belonged to Index Packaging, Inc. purporting to indicate heat-treatment consistent with IPPC ISPM 15,

but for which Index Packaging, Inc. did not provide certification. Said list should incorporate the following information: potential customer/custodian; address; telephone number; date; quantity; and price;

- (d) Identify to Plaintiff any and all instances in which a Certifying Stamp of Index Packaging, Inc. (or any other party), bearing NeLMA's mark, was fixed or used on any product manufactured, distributed or sold by Defendants;
- (e) Produce all software and hardcopy documents related to the sale of wood products on which defendants affixed the Certifying Stamp bearing NeLMA's mark, including but not limited to: purchase orders; production documents; invoices; heat treatments; and payments; and
- (f) Produce all documents relating to the sale or transfer of pallets by defendants to Garrity.

The motion (document no. 13) is granted as stated above.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: October 2, 2009

cc: Dawnangela A. Minton, Esq.
George F. Burns, Esq.
Jeffrey L. Snow, Esq.
John M. Edwards, Esq.